

**Notice of Allowability**

Application No.

10/042,973

Examiner

Dieu-Minh Le

Applicant(s)

MITCHELL, ARTHUR DEVON

Art Unit

2114

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview on 12/01/2005 and communication on 12/07/2005.
2. ☒ The allowed claim(s) is/are 1-3, 5, 7-14, 16-18 now as 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**DIEU-MINH LE**  
**PRIMARY EXAMINER**

Art Unit: 2114

1. This office action is in response to the Interview on 12/01/2005 and the communication filed 12/07/2005.
2. Claims 1-3, 5, 7-14, 16-18 now as 1-15 are allowable over the prior art of record.
3. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

**EXAMINER'S AMENDMENT:**

**IN THE CLAIMS:**

Please replace all prior versions of claims in the application with the current listing claims in the **ATTACHMENT:**

4. Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Ronald A. D'Alessandro, Registration No. 42,456 on December 01, 2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue

Art Unit: 2114

Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (571) 272-3660. The examiner can normally be reached on Monday - Thursday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)272-3644. The Tech Center 2100 phone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**DIEU-MINH THAI LE  
PRIMARY EXAMINER  
ART UNIT 2114**

DML.  
12/07/2005

Art Unit: 2114

**ATTACHMENT:**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Mitchell

**Conf. No.:** 6668

**Serial No.:** 10/042,973

**Art Unit:** 2114

**Filing Date:** 01/09/2002

**Examiner:** Le, Dieu Minh T.

**Title:** NETWORK ROUTER HAVING AN  
INTERNAL AUTOMATED BACKUP

**Docket No.:** BLD920010016US1  
(IBME-0023)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

**I. INTRODUCTORY COMMENTS:**

This paper is being filed in further response to the Office Action dated June 27, 2005. Please amend the above-referenced patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks** are reflected in the listing of claims that begins on page 7 of this paper.

## II. AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior versions, and listings, of claims in the application:

1. (Currently Amended) A network router having an internal automated backup, comprising:

a primary port facility;

a card array having at least one unutilized backup router card; and

a switched fabric, wherein the switched fabric automatically replaces a failed router card connected to the primary port facility with an unutilized backup router card from the card array, wherein the switched fabric comprises an information system for receiving a failure message from the primary port facility, and a switching system for physically replacing the failed router card with the backup router card in response to the failure message, wherein the switching system includes a replacement mechanism for physically replacing the failed router card with the backup router card, wherein the replacement mechanism physically disconnects the failed router card from the primary port facility, physically moves the failed router card to an expanded bay, physically disconnects the unutilized backup router card from the card array, physically moves the unutilized backup router card from the card array to the primary port facility from which the failed router card was moved, and physically connects the unutilized backup router card to the primary port facility from which the failed router card was moved.

Art Unit: 2114

2. (Original) The router of claim 1, wherein the primary port facility comprises a primary processor and a secondary processor.

3. (Original) The router of claim 1, wherein the primary port facility has serial connection ports for connecting to router cards.

4. (Cancelled)

5. (Original) The router of claim 1, wherein the information system includes a bus for communicating routing information between the primary port facility and the card array.

6. (Cancelled)

7. (Previously Presented) The router of claim 1, wherein the failed router card is physically moved into an expanded bay by the switched fabric.

8. (Previously Presented) A network router having an internal automated backup, comprising:

- a primary port facility;

- a card array having at least one unutilized backup router card; and

- a switched fabric for automatically replacing a failed router card connected to the primary port facility with an unutilized backup router card from the card array, wherein the switched

Art Unit: 2114

fabric includes an information system for receiving a failure message from the primary port facility and a switching system for replacing the failed router card with the unutilized backup router card, wherein the switching system includes a replacement mechanism for physically replacing the failed router card with the backup router card, wherein the replacement mechanism physically disconnects the failed router card from the primary port facility, physically moves the failed router card to an expanded bay, physically disconnects the unutilized backup router card from the card array, physically moves the unutilized backup router card from the card array to the primary port facility from which the failed router card was moved, and physically connects the unutilized backup router card to the primary port facility from which the failed router card was moved.

9. (Original) The router of claim 8, wherein the primary port facility includes a primary processor and a secondary processor.

10. (Previously Presented) The router of claim 8, wherein the switching system includes a replacement mechanism for physically replacing the failed router card with the backup router card.

11. (Original) The router of claim 8, wherein the information system includes a bus for communicating routing information between the primary port facility and the card array.

Art Unit: 2114

12. (Original) The router of claim 8, wherein router cards connect to the primary port facility and the card array via male-female connections.

13. (Previously Presented) The router of claim 8, wherein the failed router card is physically moved into an expanded bay by the switched fabric.

14. (Previously Presented) A network router having an internal automated backup, comprising:

a primary port facility having a primary processor and a secondary processor;

a card array having unutilized backup router cards; and

a switched fabric for automatically replacing a failed router card connected to the primary port facility with an unutilized backup router card from the card array, wherein the switched fabric includes an information system for receiving a failure message from the primary port facility and a switching system for physically replacing the failed router card with the unutilized backup router card, wherein the switching system comprises a replacement mechanism that physically connects and disconnects router cards from the primary port facility and the card array, wherein the replacement mechanism physically disconnects the failed router card from the primary port facility, physically moves the failed router card to an expanded bay, physically disconnects the unutilized backup router card from the card array, physically moves the unutilized backup router card from the card array to the primary port facility from which the failed router card was moved, and physically connects the unutilized backup router card to the primary port facility from which the failed router card was moved.



15. (Cancelled)

16. (Original) The router of claim 14, wherein the router cards connect to the primary port facility and the card array via male-female connections.

17. (Previously Presented) The router of claim 14, wherein the information system includes a bus that communicates routing information between the primary port facility to the card array.

18. (Previously Presented) The router of claim 14, wherein the failed router card is physically moved into an expanded bay by the switched fabric.

19. (Cancelled)

Art Unit: 2114

**REMARKS**

This paper is being filed in response to a telephone discussion held between Examiner Le and Applicant's representative. During the telephone discussion, the Examiner agreed that the cited art fails to show the teachings of the claimed invention as amended above.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: December 7, 2005

/Ronald A. D'Alessandro/  
Reg. No.: 42,456

Hoffman, Warnick & D'Alessandro LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)